

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Northeast Ohio Coalition for the Homeless; Ohio Federation of Teachers; Ohio Alliance for Retired Americans; Union Veterans Council; and Civic Influencers, Inc.,

Plaintiffs,

v.

Frank LaRose, in his official capacity as Ohio Secretary of State,

Defendant.

CASE NO. 1:23-cv-00026-DCN

JUDGE DONALD C. NUGENT

**REPORT OF PARTIES' PLANNING
MEETING UNDER FED. R. CIV. P.
26(f) AND LR 16.3(b)**

1. Pursuant to FED. R. CIV. P. 26(f) and LR 16.3(b), a meeting was held on

February 28, 2023, and was attended by:

Abha Khanna, counsel for all Plaintiffs;
Donald J. McTigue, counsel for all Plaintiffs;
Katie I. Street, counsel for all Plaintiffs;
Daniel C. Osher, counsel for all Plaintiffs;
Joel J. Ramirez, counsel for all Plaintiffs;
Ian U. Baize, counsel for all Plaintiffs;

and

Andrew D. McCartney, counsel for Defendant;
Heather L. Buchanan, counsel for Defendant;
Allison D. Daniel, counsel for Defendant;
Ann Yackshaw, counsel for Defendant.

2. The parties:

x have exchanged the pre-discovery disclosures required by FED. R. CIV. P. 26(a)(1) and the Court's prior order;

_____ will exchange such disclosures by _____;

3. The parties recommend the following track:

 Expedited. x Standard (see description below) Complex

 Administrative Mass Tort

The parties' proposed schedule, set forth below, is tailored to ensure that any judgment in Plaintiffs' favor can be implemented by election officials in advance of the March 19, 2024 primary election. In reaching agreement on this proposed schedule, the parties have agreed that each side may offer no more than two expert witnesses and may depose no more than eight fact witnesses (including any Rule 30(b)(6) representatives), and that Plaintiffs will not depose any Ohio elected officials.

4. This case is suitable for one or more of the following Alternative Dispute Resolution (ADR) mechanisms:

 Early Neutral Evaluation Mediation Arbitration

 Summary Jury Trial Summary Bench Trial

x Case not suitable for ADR

5. The parties do/ x do not consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

6. Recommended Discovery Plan:

(a) Describe the subjects on which discovery is to be sought and the nature and extent of discovery.

Plaintiffs anticipate seeking discovery from Defendant relevant to (1) the degree to which various provisions of HB 45 and HB 458 individually and collectively make it more difficult for Ohioans to cast a ballot and have that ballot counted, and (2) any state interest Defendant claims prompted the legislation or justifies those burdens. This may include Defendant's communications with legislators, the Governor, or others regarding HB 45 and/or HB 458; analyses of HB 45 and/or HB 458's impact on voters; BMV records

relating to election-administration changes made by HB 45 and/or HB 458; records relating to claims of election fraud; and data reflecting voter behavior in prior elections (including but not limited to method of voting; the dates on which voters applied for, obtained, and returned mail ballots; the dates on which voters cast in-person ballots; the form of identification voters used when casting in-person ballots; and voters' efforts to cure their rejected mail ballots or provisional ballots).

Defendant anticipates seeking discovery from Plaintiffs relevant to (1) Plaintiffs' claims that they are injured by the challenged laws.

(b) The parties (indicate one):

_____ agree that there will be no discovery of electronically-stored information; or

_____ have agreed to a method for conducting discovery of electronically-stored information; or

x have agreed to follow the default standard for discovery of electronically- stored information (Appendix K to Northern District Ohio Local Rules)

(c) Non-expert discovery cut-off date: 6/30/23

(d) Plaintiffs' expert reports due: 7/14/23

Defendant's expert reports due: 8/14/23

Expert Discovery cut-off: 9/1/23

7. Recommended dispositive motion dates:

Parties' cross summary-judgment motions: 10/6/23

Parties' responses in opposition to summary-judgment motions: 11/3/23

Parties' summary-judgment replies: 11/13/23

8. Recommended cut-off date for amending the pleadings and/or adding additional parties: 4/17/23

9. Recommended date for a Status Hearing: 9/4/23

10. Other matters for the attention of the Court: None.

Dated: March 17, 2023

Respectfully submitted,

DAVE YOST
Ohio Attorney General

/s/ Donald J. McTigue

DONALD J. MCTIGUE (0022849)
JOHN COREY COLOMBO (0072398)
KATELYN I. STREET (0102134)
McTigue & Colombo LLC
545 East Town Street
Columbus, OH 43215
Telephone: (614) 263-7000
dmctigue@electionlawgroup.com

ABHA KHANNA*

Elias Law Group LLP
1700 Seventh Ave., Suite 2100
Seattle, WA 98101
Telephone: (206) 656-0177
akhanna@elias.com

DANIEL C. OSHER*

JOSEPH N. POSIMATO*
JOEL J. RAMIREZ*
IAN U. BAIZE*
Elias Law Group LLP
250 Massachusetts Ave. NW, Suite 400
Washington, DC 20001
Telephone: (202) 968-4518
dosher@elias.law
jposimato@elias.law
jramirez@elias.law
ibaize@elias.law

Attorneys for All Plaintiffs

*Admitted *pro hac vice*

/s/ Ann Yackshaw

ANDREW D. McCARTNEY (0099853)*
**Counsel of Record*
JULIE M. PFEIFFER (0069762)
HEATHER L. BUCHANAN (0083032)
ANN YACKSHAW (0090623)
ALLISON D. DANIEL (0096186)
Assistant Attorneys General
Constitutional Offices Section
30 E. Broad Street, 16th Floor
Columbus, Ohio 43215
Tel: 614-466-2872 | Fax: 614-728-7592
Andrew.McCartney@OhioAGO.gov
Julie.Pfeiffer@OhioAGO.gov
Heather.Buchanan@OhioAGO.gov
Ann.Yackshaw@OhioAGO.gov
Allison.Daniel@OhioAGO.gov

Counsel for Defendant
Secretary of State Frank LaRose